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December 3, 2020

**BY ECF**Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/03/2020**Re: United States v. Mack Duodu,  
20 Cr. 482 (VEC)****MEMO ENDORSED**

Dear Judge Caproni:

I write with the consent of the government to request an adjournment of the trial date and related filing deadlines in this matter. Trial is currently scheduled to begin January 19, 2021, with a final pretrial conference on January 15, 2021, and motions *in limine*, requests to charge, and proposed *voir dire* questions due January 8, 2021.

Trial should be adjourned in light of the ongoing COVID-19 pandemic. On November 30, 2020, Chief Judge McMahon suspended all in-person proceedings in this District until at least January 15, 2021, because of the recent spike in coronavirus cases. Jury trials pose special health risks and logistical challenges beyond those of other proceedings. Mr. Doudu is not detained and will therefore not be prejudiced by delaying his trial date.

On the contrary, adjourning the trial date and the related filing deadlines is appropriate in any event to allow counsel to effectively represent Mr. Duodu at trial and in pretrial filings. The discovery in this case is voluminous and includes substantial electronic discovery and discovery that is subject of a protective order and that Mr. Duodu may only review in my presence. The pandemic has made it difficult to review discovery with Mr. Duodu, especially since, under the terms his bail, he is not permitted internet access. The limited and inconstant availability of childcare during the pandemic and the upcoming winter holidays also pose challenges.

Accordingly I request that the trial in this matter be adjourned either *sine die* or to a date when the Court expects that the trial can be held and that the final pretrial conference be adjourned accordingly. I further request that motions *in limine*, requests to charge, and proposed *voir dire* questions

be made due approximately two weeks before trial with responses due approximately one week before trial.

If this request is granted, the government requests the exclusion of time under the Speedy Trial Act. I agree that it would be in the interest of justice to exclude time under these circumstances. *See* 18 U.S.C. § 3161(h).

Respectfully submitted,  
/s/ Clay H. Kaminsky  
Clay H. Kaminsky  
Assistant Federal Defender  
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cc: AUSA Jonathan Rebold

Application DENIED. The deadlines are adjourned as follows:

1. *Motions in limine* are due April 16, 2021 with responses due April 23, 2021.
2. Proposed *voir dire* questions and requests to charge are due April 23, 2021. Proposed *voir dire* questions should be focused specifically on the facts of this case or the COVID-19 pandemic.
3. The Final Pretrial Conference will be held on April 30, 2021 at 2:30 P.M.
4. Jury selection and trial will begin May 3, 2021 at 10:00 A.M.

The Court reminds the parties that the Government's response to the Defendant's pre-trial motion is due December 15, 2020 and Defendant's reply is due December 22, 2020. The parties should include in their briefs whether they are requesting a hearing on the motion.

It is hereby ORDERED that time is excluded until May 3, 2021, under the Speedy Trial Act, 18 U.S.C. § 3161(h) (7)(A), as the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial given the health concerns and logistical difficulties of trial preparation and holding trial caused by COVID-19.

SO ORDERED.



Date: December 3, 2020

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE